

21003. Adulteration of dried grapes. U. S. v. 476 Boxes of Dried Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29788. Sample nos. 27845-A, 33050-A.)

This case involved an interstate shipment of dried grapes which were found to be insect-infested.

On February 2, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 476 boxes of dried grapes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about December 20, 1932, by the Lion Packing Co., from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Foley's Shamrock Fancy Dried Black Alicante Bouchet Grapes."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On April 15, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

21004. Adulteration of dressed poultry. U. S. v. Joseph Anderson, Jesse W. Hoopes, Fred Bradley, John A. Johnston, Clyde C. Edmonds, and Harry L. Strong (Utah Poultry Producers Cooperative Assoc.). Plea of guilty. Fine, \$25. (F. & D. no. 29417. Sample no. 77-A.)

This case was based on an interstate shipment of dressed poultry. Examination showed diseased conditions and decomposition in a large proportion of the fowls.

On April 1, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph Anderson, Jesse W. Hoopes, Fred Bradley, John A. Johnston, Clyde C. Edmonds, and Harry L. Strong, trading as the Utah Poultry Producers Cooperative Association, Salt Lake City, Utah, alleging shipment by said defendants, on or about April 16, 1932, from the State of Utah into the State of California, of a quantity of dressed poultry which was adulterated in violation of the Food and Drugs Act.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance, and in that it was a product of a diseased animal.

On April 4, 1933, a plea of guilty to the information was entered, and the court imposed a fine of \$25.

M. L. WILSON, Acting Secretary of Agriculture.

21005. Adulteration and misbranding of butter. U. S. v. Elephant Butte Dairy League. Plea of guilty. Fine, \$50. (F. & D. no. 29338. I. S. nos. 32202, 32203, 32204, 32206, 32224.)

This case was based on several interstate shipments of butter which contained less than 80 percent by weight of milk fat, the standard for butter established by Congress, and which was also short weight.

On January 5, 1933, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Elephant Butte Dairy League, a corporation, El Paso, Tex., alleging shipment by said company in violation of the Food and Drugs Act as amended, in various consignments, on or about January 21, January 23, January 26, and February 3, 1932, from the State of Texas into the State of New Mexico, of quantities of butter which was adulterated and misbranded. The article was labeled in part: (Carton) "Butter Net Weight 1 Lb. * * * Elephant Butte Dairy League, El Paso, Tex."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding was alleged for the reason that the statements, "Butter" and "Net Weight 1 Lb.", borne on the cartons, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was butter, a product which must contain not less than 80 percent by weight of milk fat, and that the cartons each contained 1 pound net; whereas the article was not butter as defined by law, since it contained less than 80 percent of milk fat, and the cartons contained less than 1 pound net. Misbranding was

alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement, "Net Weight 1 Lb.", was incorrect.

On April 22, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21006. Adulteration of butter. U. S. v. 28 Tubs and 15 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. nos. 30398, 30399. Sample nos. 32009-A, 32010-A.)

These cases involved shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On April 18, 1933, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 43 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about April 3, 1933, by the Gray County Creamery, from Pampa, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On April 20 and 21, 1933, the Gray County Creamery, Pampa, Tex., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$600, conditioned in part that it be reworked so that it contain at least 80 percent of butterfat.

M. L. WILSON, *Acting Secretary of Agriculture.*

21007. Adulteration of apples. U. S. v. 159 Cases and 54 Cases of Apples. Default decrees of condemnation and destruction. (F. & D. nos. 29836, 29837. Sample nos. 31235-A, 31236-A.)

These cases involved interstate shipments of apples found to bear arsenate of lead in an amount which might have rendered them injurious to health.

On January 3 and January 9, 1933, the United States attorney for the District of Montana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 213 cases of apples at Billings, Mont., alleging that the article had been shipped in interstate commerce, on or about December 7 and December 23, 1932, by McMillan & Fox, Inc., from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Winesap * * * Penco Brand Packers—Shippers Pennington & Co., Yakima, Wash." The remainder were labeled in part: "Ark. Black * * * Packed and Shipped by McMillan & Fox, Inc., Yakima, Wash."

It was alleged in the libels that the article was adulterated in that it contained an added poisonous ingredient, arsenate of lead, which might have rendered it injurious to health.

On April 12, 1933, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21008. Adulteration of canned shrimp. U. S. v. 752 Cases and 285 Cases of Canned Shrimp. Consent decree of condemnation, forfeiture, and destruction. (F. & D. nos. 29609, 29614. Sample nos. 16363-A, 16439-A.)

These cases involved interstate shipments of canned shrimp found to be in part decomposed.

On December 9, 1932, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,037 cases of canned shrimp at Boston, Mass., alleging that the article had been shipped in interstate commerce, in part on or about September 17, 1932, and in part on or about September 24, 1932, by the Indian Ridge Canning Co., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The